

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
)	
Acceleration of Broadband Deployment:)	
Expanding the Reach and Reducing the Cost of)	WC Docket No. 11-59
Broadband Deployment by Improving Policies)	
Regarding Public Rights of Way and Wireless)	
Facilities Siting)	

COMMENTS OF THE COUNTY OF LOS ANGELES

The County of Los Angeles (County) files these comments in response to the Notice of Inquiry (NOI) released April 7, 2011, in the above captioned matter. Through these comments, the County seeks to provide the Commission with general information regarding its local right-of-way and facility management practices and policies. Los Angeles County is a very unique and diverse area, having the largest population of any county in the nation, exceeded by only eight states. Approximately 27 percent of California's residents live here, and the county is home to more than 244,000 businesses. As such, the County has worked hard to balance the interests and needs of its residents and businesses, and is best positioned to apply its knowledge to local decisions about the use of its rights of way that affect its constituents.

The County supports the efforts made by the National Association of Counties (NACO), and the National Association of Telecommunications Officers and Advisors (NATOA), of which we are members, in submitting comments to this Notice of Inquiry, and in promoting a cooperative and educational approach to promoting broadband and wireless access to underserved communities.

The County is in favor of local control and is not in support of efforts that would impose land use mandates on local government. The County has successfully managed the rights of way to allow for deployment of broadband and wireless networks. Broadband and wireless service is available in most areas of our county, and the County's policies with respect to placement of facilities in the rights of way have not prevented service providers from adequately serving the needs of their customers. In fact, the County has encouraged service providers to provide universal access to broadband services and distribute their services in geographically challenging areas. Unfortunately, these requests have been met with opposition from the providers due to the costs associated with the infrastructure deployment.

The County, as the administrator of its local rights of way, has policies and regulations in place that protect and further public safety, while allowing for the development of broadband and wireless networks. The County's policies and procedures allow County staff and the various broadband and wireless providers to work together for the benefit of the communities served by the County. The County's rights of ways need to be locally regulated, given that these rights of way are adjacent to heavily traveled streets and highways, businesses, residences, and both private and public property. Further, local control is critical because of our intimate understanding of the diverse needs and interests associated with our communities. The County, like other local governments and municipalities throughout the nation, are uniquely positioned to understand, protect and balance the safety and well-being of their constituents, the aesthetics of the local community, and the need for broadband and wireless coverage in its communities.

In response to the NOI, the County provides the following information:

I. Application Procedures, Forms, Substantive Requirements & Changes.

The Commission asks whether all necessary application procedures, forms, substantive requirements, and charges are readily available.

The County's policies and procedures for the right of way are accessible to all, with application procedures, forms, substantive requirements and charges, readily available online as well as at the various County departments. The Los Angeles County Department of Public Works is responsible for overseeing the rights of way, and issues road permits in the form of excavation or encroachment permits for all work performed in the rights or way. County staff is also available during office hours to assist with questions, intake and review of submittals.

II. Sources of Delays.

The Commission asks what factors are chiefly responsible to the extent applications are not processed in a timely fashion. The Commission also asks about errors or omissions in applications.

In the County, applications for most road permits, whether it be for encroachment or excavation permits, are processed quickly if the applicant initially submits a complete submittal package with all required documents and approvals. Delay can result, however, when the submittal package is incomplete and the applicant is not timely in providing the missing or requested information.

III. Improvements

The Commission asks whether there are particular practices that can improve processing.

The County has made available online, its forms, applicable policies and relevant code sections. County staff have also worked with applicants to assist them in understanding the

process and procedures that are in place, and in overcoming problems with their submittals. In addition, the County works with applicants and the public to address concerns that may arise as a result of proposed work in the right of way.

IV. Local Policy Objectives

The Commission asks what "policy goals and other objectives" underlie the local practices and charges in this area.

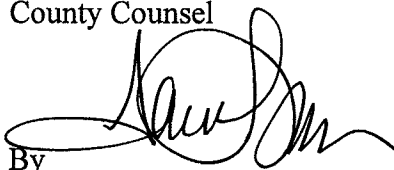
The County's policies promote responsible deployment of services, ensure public safety, avoid traffic disruption, maintain and repair road ways, prevent public disruption and damage to abutting property, minimize accelerated deterioration to roads, satisfy aesthetic, environmental, or historic preservation concerns; and avoid damage to the property of others.

CONCLUSION

The County of Los Angeles urges the Commission to conclude that no action is needed by the Commission to regulate local rights of way, given that any action by the Commission to regulate local rights of way raise serious and substantive legal and policy concerns. If anything should be done by the Commission, it should be strictly limited to voluntary programs and improved educational outreach. Otherwise, local governments and municipalities are uniquely situated to balance the needs and interests of their local communities.

Respectfully Submitted On Behalf Of,
COUNTY OF LOS ANGELES

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By 

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